

DENISE VOIGT CRAWFORD
SECURITIES COMMISSIONER



BETH ANN BLACKWOOD
CHAIR

BRYAN K. BROWN
MEMBER

EDWARD ESCUDERO
MEMBER

DERRICK MITCHELL
MEMBER

E. WALLY KINNEY
MEMBER

JOHN R. MORGAN
DEPUTY SECURITIES COMMISSIONER

Mail: P.O. BOX 13167
AUSTIN, TEXAS 78711-3167

Phone: (512) 305-8300
Facsimile: (512) 305-8310

Texas State Securities Board

208 E. 10th Street, 5th Floor
Austin, Texas 78701-2407
www.ssb.state.tx.us

IN THE MATTER OF THE
THE DEALER REGISTRATION OF
ABSHIER WEBB DONNELLY & BAKER, INC.

§
§
§

Order No. IC09-CAF-01

TO: Janice Webb McCann, Senior Vice President
Abshier Webb Donnelly & Baker, Inc. (CRD No. 104051)
2500 City West Blvd., Suite 590
Houston, TX 77042

DISCIPLINARY ORDER

Be it remembered that Abshier Webb Donnelly & Baker, Inc. ("Respondent"), by and through Janice Webb McCann, its Senior Vice President, appeared before the Securities Commissioner of the State of Texas ("Securities Commissioner") and consented to the entry of this Order and the Findings of Fact and Conclusions of Law contained herein.

FINDINGS OF FACT

1. Respondent has waived (a) Respondent's right to notice and hearing in this matter; (b) Respondent's right to appear and present evidence in this matter; (c) Respondent's right to appeal this Order; and (d) all other procedural rights granted to the Respondent by the Securities Act, TEX. REV. CIV. STAT. ANN. art. 581-1 et seq. (Vernon 1964 & Supp. 2007) ("Texas Securities Act"), and the Administrative Procedure Act, TEX. GOV'T CODE ANN. §2001.001 et seq. (Vernon 2000 & Supp. 2007) ("Administrative Procedure Act").
2. On or about December 4, 2000, Respondent registered with the Securities Commissioner as a securities dealer, which is currently effective.
3. From on or about June 4, 2006 to on or about August 22, 2008, Respondent sold securities in Texas through an individual not registered as an agent of Respondent.
4. From on or about June 4, 2006 to on or about August 22, 2008, Respondent failed to enforce its written procedures related to registration, as follows:

- a. "4.1.2.3. Requests for Examination...Richard Clark Webb shall ensure that an individual does not engage in any activity requiring registration until the individual has successfully passed all required exams and he or she is properly registered in the appropriate jurisdictions."
- b. "4.1.2.4. Registration of Associated Persons. Richard Clark Webb will review the registration of each associated person by printing out his or her Web CRD, evidencing his or her qualifications and ensuring the associated person is properly registered for the products the Firm is approved to sell. Richard Clark Webb will place the signed and dated printout in the personnel folder of the associated person evidencing his review."

Respondent failed to ensure that an individual was registered prior to engaging in activity requiring registration.

5. Pursuant to Section 14.A(5)(a) of the Texas Securities Act, the Securities Commissioner may reprimand a dealer registered under the Texas Securities Act if the dealer has engaged in selling securities in this state through an agent other than a registered agent.
6. Pursuant to § 115.10(b)(1) of the Board Rules, a dealer is required to establish, maintain, and enforce written procedures to supervise the activities of its agents that are reasonably designed to achieve compliance with the Texas Securities Act and Board Rules.
7. Pursuant to Section 14.A(6) of the Texas Securities Act, the Securities Commissioner may reprimand a person registered under the Texas Securities Act if the person has violated any of the provisions of the Texas Securities Act or Board Rules.
8. Pursuant to Section 23-1 of the Texas Securities Act, the Securities Commissioner may assess an administrative fine against any person found to have engaged in an act or practice that violates the Texas Securities Act or Board Rules.

CONCLUSIONS OF LAW

1. Respondent's sale of securities in Texas through an agent who was not registered as an agent of Respondent constitutes a basis for the issuance of an order reprimanding a dealer pursuant to Section 14.A(5)(a) of the Texas Securities Act.
2. Respondent's failure to enforce a system reasonably designed to achieve compliance with the Texas Securities Act and Board Rules constitutes a violation of § 115.10(b)(1) of the Board Rules.
3. Pursuant to Section 14.A(6) of the Texas Securities Act, the foregoing violation constitutes basis for the issuance of an order reprimanding a dealer.

4. Pursuant to Section 23-1 of the Texas Securities Act, the foregoing violation of the Board Rules constitutes a basis for the issuance of an order assessing an administrative fine against a dealer.

ORDER

1. It is therefore ORDERED that Abshier Webb Donnelly & Baker, Inc. is hereby REPRIMANDED.
2. It is further ORDERED that Abshier Webb Donnelly & Baker, Inc. is ASSESSED AN ADMINISTRATIVE FINE in the amount of Twenty-Five Thousand Dollars (\$25,000). Payment shall be made by delivery of a cashier's check to the Securities Commissioner in the amount of Twenty-Five Thousand Dollars (\$25,000), payable to the State of Texas, contemporaneously with the delivery of this Order.

SIGNED AND ENTERED by the Securities Commissioner this 5th day of

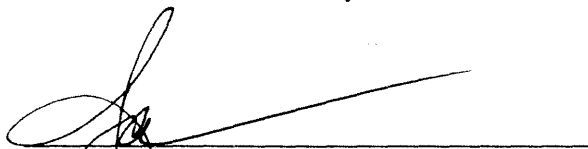
January, 2009.

Denise Voigt Crawford

DENISE VOIGT CRAWFORD
Securities Commissioner

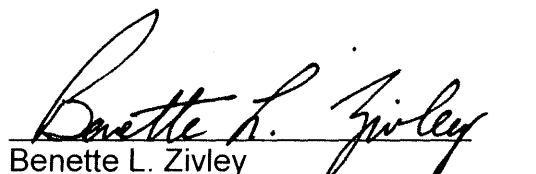
Respondent:

Abshier Webb Donnelly & Baker, Inc.



Janice Webb McCann, Senior Vice
President

Approved as to Form:



Benette L. Zivley
Director
Inspections and Compliance Division

ACKNOWLEDGMENT

On the 18th day of December, 2008, Abshier Webb Donnelly & Baker, Inc. ("Respondent"), by and through Janice Webb McCann, its Senior Vice President, appeared before me, executed the foregoing Order and acknowledged that:

1. Janice Webb McCann is duly authorized to enter into the foregoing Order on behalf of Respondent;
2. Janice Webb McCann has read the foregoing Order;
3. Respondent has been fully advised of its rights under the Texas Securities Act and the Administrative Procedure Act;
4. Respondent knowingly and voluntarily consents to the entry of the foregoing Order and the Findings of Fact and Conclusions of Law contained therein; and,
5. Respondent, by consenting to the entry of the foregoing Order, has knowingly and voluntarily waived its rights as set forth therein.

Cynthia G. Dabelgott
Notary Public in and for
the State of Texas

[affix notary seal here]

My Commission Expires: 4/18/10

